

Remarks

Claims 1-15 and 29-52 are pending in the application. Claims 49-52 are new. Support may be found in the application as filed; see, for example, page 7 lines 3-6.

Claims 3, 4, 30 and 42 have been amended to replace references to "a platinum cytotoxic agent" with "oxaliplatin". Basis for this amendment can be found throughout the application as filed; see, for example, page 31 lines 15-17.

Restriction has been required. Applicants elect the claims of Group III for prosecution, containing claims 29-44, 47 and 48, which is described by Examiner as being drawn to pharmaceutical compositions for the treatment of cancer, wherein the composition comprises a c-FLIP inhibitor and a chemotherapeutic agent, kits containing such a composition, and an RNAi agent against c-FLIP.

Claim 29 has been classified in Group III. However, this claim is directed to a composition which comprises a c-FLIP inhibitor as a sole cytotoxic agent, i.e in the absence of a chemotherapeutic agent, and therefore does not accord with the summary of the Group III invention, as presented by the Examiner. In the event Examiner recasts the restriction requirement, applicant reserves the right to make a further response.

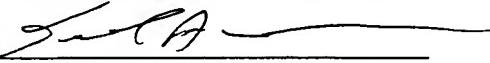
An election of species of chemotherapeutic agent has been required from among thymidylate synthase inhibitor, platinum cytotoxic agent, topoisomerase inhibitor, 5-FU, oxaliplatin and CPT-11. Applicants elect the species topoisomerase inhibitor.

The claims of Group III which are readable onto the elected species are claims 30-34, claims 36-42 and claims 47-52.

All elections made herein are made without prejudice to any right of applicants to claim rejoinder.

Respectfully submitted,

PATRICK GERARD JOHNSTON, et al.

BY 

DANIEL A. MONACO

Registration No. 30,480

DRINKER BIDDLE & REATH LLP

One Logan Square

18th and Cherry Streets

Philadelphia, PA 19103-6996

TEL: (215) 988-3312

FAX: (215) 988-2757

Attorney for Applicants